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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,826	11/13/2001	Shinkichi Ikeda	P21688	6156
7055	7590	10/26/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*SUPPLEMENTAL*  
**Notice of Allowability**

Application No.

09/986,826

Examiner

Duc C. Ho

Applicant(s)

IKEDA, SHINKICHI

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the application filed 11-13-01.

2.  The allowed claim(s) is/are 1,7, 3, 8, 9, 11-14, 15, 17-19. Renumbered 1-13, respectively.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material           | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER 'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joshua Povsner on 03-16-05.

The application has been amended as follows:

In the claims:

Cancelling claims 2, 4-6, 10, and 16.

Claim 1, line 9, after "model", next line,

insert --- a propagation state measuring section that measures a radio signal propagation state in the wireless communications with said mobile terminal apparatus; and a transport layer parameter determining section that determines a transmit control parameter value of a transport layer protocol based on the measurement in said propagation state measuring section ---.

Claim 3, line 4, "the Internet" has been changed to --- the data network ---.

Claim 3, line 9, after "model", next line,

insert --- a propagation state measuring section that measures a radio signal propagation state in the wireless communications with said mobile terminal apparatus; and

a transport layer parameter determining section that determines a transmit control parameter value of a transport layer protocol based on the measurement in said propagation state measuring section ---.

Claim 8, line 12, after “a type”, insert --- of each ---.

Claim 8, line 13, “apparatus” has been changed to --- apparatuses ---.

Claim 8, line 14, before “said”, insert --- each ---.

Claim 9, line 8, after “result”, next line,

insert --- a header extracting section that extracts a header from the packet received on the data link layer;

a header interpreting section that interprets the header to determine whether or not the header includes an instruction for relaying the packet on the data link layer; and

an output switching section selection that outputs the received packet to said transmitting section on the data link layer when the determined result is indicative of the instruction for relaying the packet on the data link layer ---.

Claim 11, line 1, “10” has been changed to --- 9 ---.

Claim 12, line 1, “10” has been changed to --- 9 ---.

Claim 13, line 1, “10” has been changed to --- 9 ---.

Claim 15, line 6, after “signal”, next line,

insert --- a detecting section which detects that a type of data of payload of a packet to transmit is data of the transport layer,

wherein said header generating section adds the detected result to the header as information on the type of the data of the payload ---.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

10-24-05